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Crl.O.P.No.32675 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2025

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THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.32675 of 2024

Raziya Begum

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
K3 Aminjikarai Police Station,
Aminjikarai, Chennai.
(Crime No.659 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.659 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.K.Syed Eliyas

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

Petition seeking bail in respect of Crime No.659 of 2024 registered for the offences punishable under Sections 296(b), 118(1) and 103(1) of BNS, is on board for consideration.



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2. The incarceration of the petitioner/A2 being from 13.11.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner and de facto complainant are neighbours and on the alleged date of occurrence, the incident happened only during the quarrel and there is no intention or motive on the part of the petitioner and her son to cause death of the de facto complainant's father. He further submits that the petitioner, aged about 55 years, is suffering incarceration for more than 50 days and she is ready to abide by any stringent condition that may be imposed by this Court.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the petitioner/A2, who is the neighbour of the de facto complainant, used to quarrel with the de facto complainant's family members since the waste water from the de facto complainant's house stagnated in front of her house and on the alleged date of occurrence, there was a quarrel between both family members; during such time, the petitioner's son/A2 had attempted to assault the de facto complainant with iron rod and knife and since the de facto complainant's father interrupted between them, A1 stabbed on his neck with knife



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and caused fatal injury. Later, the victim was taken to a hospital, where he was declared brought dead. He further submits that the overt act against the petitioner herein is that she had instigated her son to stab the victim with knife. He also submits that the case is under investigation.

4. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **V Metropolitan Magistrate, Egmore**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall stay at Thiruvallur and report before the Inspector of Police, Thiruvallur Town Police Station, everyday at 10.30 a.m., until further orders. It is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent police, until further orders;



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[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

09.01.2025

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To

1. The V Metropolitan Magistrate, Egmore.
2. The Inspector of Police,
K3 Aminjikarai Police Station,
Aminjikarai, Chennai.
3. The Superintendent,
Central Prison for Women, Puzhal.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
Thiruvallur Town Police Station,
Thiruvallur District.

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